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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,036	03/02/2004	Eric J. Hull	109909-136740	1261
25943 7590 05/03/2007 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER LEE, JUSTIN YE	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/791,036	Applicant(s) HULL ET AL.	
	Examiner Justin Y. Lee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-72 and 74-79 is/are rejected.
- 7) ☒ Claim(s) 73 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed on 1/23/2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 60-72 and 74-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US 6,753,842) in view of McLaughlin et al. (US 4,975,694) and further in view of Davis et al. (US 6,348,860).

Regarding claim 60, Williams et al. discloses all of the claimed invention as set forth in the instant application, additionally Williams et al. discloses a mobile electronic communication device (106) comprising: a transceiver (112), a light unit (124), and a processor unit (126) coupled to the transceiver (112) and light unit (124), wherein the

processor unit is configured to cause the light unit to output (which reads on column 4 lines 6-13 and exhibited in figure 1). However Williams et al. fails to disclose (a) having a plurality of light sources, (b) output light from a selected one of the light sources to indicate a source of a received message.

In the same field of endeavor McLaughlin et al. discloses a paging receiver variable color indicators. McLaughlin et al. further discloses (a) having a plurality of light sources (which reads on column 2 lines 4-15), (b) output light from a selected one of the light sources to indicate a source of a received message (which reads on column 2 lines 4-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Williams et al. by modifying the system and method for backlighting control in a wireless communication device with a plurality of light sources as taught by McLaughlin et al. for the purpose of informing the user of the message.

Williams et al. and McLaughlin et al. do not disclose simultaneously to output light from a selected second of the light sources to indicate a second source of a second received message.

Davis et al. further disclose simultaneously to output light from a selected second of the light sources to indicate a second source of a second received message (Fig. 2A and col. 3, lines 62-64 and col. 5, lines 1-8, the LED on the display 116 lights up when a message is received from an emergency switch at a particular location).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Davis et al. into the teachings of Williams et al. and McLaughlin et al. for the purposes of notifying the user where the emergency message is from (col. 1, lines 64 col. 2, lines 27).

Regarding claim 61, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein the processor unit is configured to cause the light unit to output the light with modulation that depends on the received message's type (which reads on column 1 lines 41-49 and column 3 lines 23-35).

Regarding claim 62, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a electronic communication device of claim 60, wherein the selected one of the light sources being lit is associated with a contact, and the message is received from the associated contact (which reads on column 4 lines 1-21).

Regarding claim 63, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a light unit can simultaneously illuminate another light source to indicate that a message has been received from a contact associated with the other light source (which reads on column 3 lines 23-35).

Regarding claim 64, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a the processor unit is configured to cause the light unit to output light with modulation that depends on an age of a message received by the mobile electronic communication device (which reads on column 4 lines 1-21).

Regarding claim 65, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a modulated light has a color that depends on the relative age of a received message (which reads on column 1 lines 41-49).

Regarding claim 66, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a modulated light has a blinking rate that indicates a number of unread messages received from a contact (which reads on column 4 lines 1-21).

Regarding claim 67, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is a most recent message received from a contact (which reads on column 3 lines 23-35).

Regarding claim 68, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is an unread message received from the contact (which reads on column 4 lines 1-21).

Regarding claim 69, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a relative age is indicated using a plurality of predetermined age categories (which reads on column 1 lines 41-49).

Regarding claim 70, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a age category of the plurality of age categories is represented by a predetermined color of light that can be outputted by the light unit (which reads on column 3 lines 23-35).

Regarding claim 71, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a age category of the plurality of age categories is represented by a predetermined number of light flashes within a. cycle (which reads on column 4 lines 1-21).

Regarding claim 72, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a message is a SMS message (which reads on column 3 lines 23-35).

Regarding claim 74, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a light unit comprises an LED circuit having a plurality of LEDS configured to selectively output light having a color selected from a set of a plurality of preselected colors (which reads on column 3 lines 23-35).

Regarding claim 75, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device (106) comprising, a transceiver (112), and means coupled to the transceiver to output light (124) to indicate a source of a received message (which reads on column 3 lines 23-35) and simultaneously to output light to indicate a second source of a second received message (Davis et al., Fig. 2A and col. 3, lines 62-64 and col. 5, lines 1-8, the LED on the display 116 lights up when a message is received from an emergency switch at a particular location).

Regarding claim 76, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein said means is configured to output light with modulation that depends on the received message's type (which reads on column 1 lines 41-49).

Regarding claim 77, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a means is configured to output light with modulation that depends on an age of a message received by the mobile electronic communication device (which reads on column 4 lines 1-21).

Regarding claim 78, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et

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al. discloses a output light is associated with a contact, and the message is received from the associated contact (which reads on column 3 lines 23-35).

Regarding claim 79, Williams et al. in view of McLaughlin et al. and Davis et al. discloses everything claimed as applied above (see claim 60) additionally, Williams et al. discloses a mobile electronic communication device is configured to receive messages of two or more types, wherein said means is configured to output light with modulation that depends on the received message's type and an age of the message received (which reads on column 1 lines 41-49).

Allowable Subject Matter

4. Claim 73 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - F 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Lee

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